

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, LP

Defendants.

Case No. 3:19-cv-00602

Judge William M. Conley
Magistrate Judge Stephen Crocker

ENBRIDGE ENERGY, LP

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION and
NAOMI TILLISON, in her official capacity

Counter-Defendants.

**DECLARATION OF PLAINS IN SUPPORT OF ENBRIDGE'S OPPOSITION TO
MOTION FOR INJUNCTION**

I, Dean Liollo, have personal knowledge of the following and make this declaration in support of Enbridge Energy, Limited Partnership's ("Enbridge") opposition to Plaintiff's motion for injunction:

1. My business address is 1400, 607 Eighth Avenue SW, Calgary, Alberta, Canada T2P 0A7. My current position is Senior Vice President, NGL Commercial Assets of Plains Midstream Canada ULC ("Plains").

2. Plains is a transportation and midstream service provider. We specialize in transportation, storage, processing and marketing solutions for crude oil, natural gas, and natural gas liquids (NGLs). Plains is headquartered in Calgary, Alberta and has more than 1,200 employees in Canada and the U.S. We are an indirect subsidiary of Plains All American Pipeline, L.P. (Plains All American), a publicly traded master limited partnership headquartered in Houston, Texas.

3. Plains is extremely concerned by the Bad River Band's ("Band") motion that requests that this Court enjoin the operation of Line 5 on an emergency basis.

4. The continued operation of Line 5 is essential to meeting the propane and butane needs of Wisconsin, Michigan, Ontario, and the surrounding region. Line 5 supplies all of the NGLs feedstock to Plains' fractionation facilities in Rapid River, Wisconsin and Sarnia, Ontario. Line 5's operation also enables the transport, via Enbridge's mainline system, of all NGLs feedstock to Plains' fractionation facility in Superior, Wisconsin.

5. There are no existing alternatives to Line 5 to allow all of Plains' facilities to receive the NGLs feedstock required to sustain operations. Accordingly, a closure of Line 5 would result in the shutdown of Plains fractionation facilities at Rapid River and Superior, and significantly limit operations at Sarnia.

6. The closure of these Plains' facilities would impact the employment of approximately 125 workers in the United States and Canada. It would also remove approximately 200 million gallons of propane supplied directly to Michigan, as well as around 800 million gallons of propane and roughly 400 million gallons of butane produced in Canada. Plains supplies the majority of propane to heat the homes of consumers in Michigan; and it supplies virtually all of the propane demanded by consumers in Ontario. A closure would have a devastating impact on consumers and propane prices in the region.

7. Plains' facilities at Rapid River and Superior are not connected to rail mix supply and only have truck facilities for propane out. Sarnia has very limited truck loading; Line 5 is the only existing transportation mode that allows Plains' facilities to acquire adequate NGLs feedstock. Construction of new trucking or rail (i.e. non-pipeline) facilities alternatives to Line 5 capable of replacing the Line 5 volumes would likely take years to complete.

8. The adverse economic consequences that would result to Plains and all of the consumers of its propane and butanes produced from Line 5-transported NGLs warrants that Line 5 remain operational.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my information and belief.

Executed on this 15 day of May, 2023.

A handwritten signature in dark ink, appearing to read "C. Dean Liollo", written over a horizontal line.

C. Dean Liollo, President, Plains Midstream Canada ULC

